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Federal Communications Commission

DA 97-985

DISPATCHED BY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 96-239
Table of Allotments,) RM-8939
FM Broadcast Stations.)
(Harrietta, Michigan))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 7, 1997**Released: May 16, 1997**

By the Chief, Allocations Branch:

1. In response to a petition filed by Melinda Hancock ("Hancock"), the Commission has before it for consideration the Notice of Proposed Rule Making released November 29, 1996, (DA 96-1955), seeking the allotment of Channel 229A at Harrietta, Michigan. Hancock filed comments supporting the allotment of Channel 229A at Harrietta.¹ No other comments were received at the Commission.

2. The Notice requested that Hancock furnish information to demonstrate that Harrietta has the social, economic and cultural indicia to qualify it as a community for allotment purposes.² Hancock was also requested to provide information showing that an actual transmitter site is available since both the community of Harrietta and the allotment site for Channel 229A are located in the Manistee National Forest. Hancock states that Harrietta is an incorporated village, listed in the 1990 Census with its own post office, and that the unincorporated community of Yuma also lies within the Harrietta postal zone. According to Hancock, Harrietta has its own Townhall where weekly town government meetings are held. Further, Harrietta has three churches along with the Harrietta Methodist Women's Club and the AMVETS Post No. 120. Hancock points out that the Harrietta State Fish Hatchery, operated by the State of Michigan, is located in Harrietta and is a major employer in the area. The Ranger Station for

¹ As requested in the Notice, Hancock complied with the requirements of Section 1.52 of the Commission's Rules by verifying that the information contained in her petition for rule making is true to the best of her knowledge and belief.

² The Notice indicated that the 1995 edition of the Rand McNally Commercial Atlas attributes Harrietta with a post office, a population of 139 people according to the 1990 Census and that Harrietta is an incorporated community.

the Manistee National Forest is also located in Harrietta as is the Wrinkle Raisin Co., Rick's Harrietta Kitchen, Harrietta Grocery and the Harrietta Land Co. According to Hancock, the Caberfae Ski Resort and Golf Complex, located in close proximity to Harrietta, would benefit from a radio station operating in the community.

3. In response to the Commission's concerns over site availability, Hancock states that the proposed transmitter site for Channel 229A is the WPBN-TV transmitter site. Station WPBN-TV is licensed to Traverse City, Michigan, but the transmitter site is located southwest of Harrietta at coordinates 44-16-33 and 85-42-49. According to Hancock, the tower for Station WPBN-TV is 1,130 feet high and has sufficient space to accommodate the facilities for Channel 229A.

4. We believe that Hancock has provided us with sufficient indicia to conclude that Harrietta is a community for allotment purposes. It is an identifiable population grouping with businesses and community organizations that identify themselves with the residents of Harrietta. See Garrison, Kentucky, 6 FCC Rcd 1428 (1991).

5. After consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of Channel 229A at Harrietta, Michigan. In response to our concerns over site availability, Hancock has made a sufficient showing that a transmitter site does exist for Channel 229A. Channel 229A can be allotted to Harrietta in compliance with the Commission's spacing requirements provided there is a site restriction 3.6 kilometers (2.3 miles) south of the community.³ The site restriction will prevent a short spacing to Station WIAR, Channel 232C2, Leland, Michigan. Since the community of Harrietta is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained for the allotment of Channel 229A at Harrietta.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 30, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Harrietta, Michigan	229A

³ The coordinates for Channel 229A at Harrietta are 44-16-38 and 85-41-55.

7. The window period for filing applications for Channel 229A at Harrietta, Michigan, will open on June 30, 1997, and close on July 31, 1997.
8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
9. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 229A at Harrietta, Michigan, should be addressed to the Audio Services Division, Mass Media Bureau.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau